IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 20TH FEBRUARY 2007 / 1ST PHALGUNA 1928

Bail Appl..No. 985 of 2007()

LP.41/2006 of JFCM. - I, PONNANI
.....

PETITIONER/5TH ACCUSED:

MUBARAQ, S/O. AHAMMED KOYA,
RAHMATH MANZIL, ERAMANGALAM,VELIYANAKODE PANCHAYAT
PONNANI TALUK.

BY ADV. SRI.RAJIT
SRI.RANJIT BABU

RESPONDENT/STATE:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA AT ERNAKULAM.

BY PUBLIC PROSECUTOR SRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO. 985 OF 2007

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DATED THIS THE 20th DAY OF FEBRUARY, 2007

O R D E R

Petitioner who is the 5th accused in Crime No.131/2000 of Perumpadappu Police Station for offences punishable under sections 143 147, 148, 341 and 323 read with section 149 IPC, seeks anticipatory bail.

2. Consequent on the non-appearance of the petitioner in C.C.117/01, on the file of J.F.C.M., Ponnani the case against the petitioner was transferred to the long pending register as L.P.No.41/06. Admittedly, non-bailable warrants of arrest are pending against the petitioner. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate and files an application for regular bail, within two weeks from today, the same shall be considered and disposed of, preferably on the same date on which it is filed, after considering the explanation offered by the petitioner for his previous non-appearance. Until such consideration, warrants, if any, pending against the petitioner shall not be executed.

V.RAMKUMAR, JUDGE.

dsn